

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

In re	§	
	§	
J.A.R. CONCRETE, INC.,	§	Case No. 23-30242-HCM-11
	§	
Debtor.	§	

**RESPONSE TO MITSUBISHI HC CAPITAL AMERICA, INC.'S MOTION FOR
RELIEF FROM THE AUTOMATIC STAY**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY JUDGE:

Now comes J.A.R. CONCRETE, INC. ("J.A.R.") and through its attorney undersigned file this Response to MITSUBISHI HC CAPITAL AMERICA, INC.'s Motion for Relief from the Automatic Stay, and would show:

I-XXII.

J.A.R. admits the averments of Motion ¶ ¶'s 1 through 22.

XXIII.

Motion ¶ 23 merely describes the relief sought and does not require a response.

XXIV.

J.A.R. denies the averments of Motion ¶ 24. J.A.R. has substantial equity in collateral for both Contract 1 and Contract 2. The collateral is also needed for a successful reorganization. The Debtor needs to use the equipment in the ordinary course of business or intends to sell it at fair market value to pay MITSUBISHI HC CAPITAL AMERICA, INC. and other creditors.


XXV-XXVIII.

J.A.R. denies the averments of Motion ¶ ¶'s 25 through 28.

WHEREFORE, PREMISES CONSIDERED, J.A.R. CONCRETE, INC. prays that all relief sought by MITSUBISHI HC CAPITAL AMERICA, INC. be denied.

Respectfully submitted this 19th day of June, 2023.


/s/


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Attorney for the Debtor-in-Possession

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of June, 2023, I did cause a copy of the foregoing Ally Bank's Motion for Adequate Protection or in the Alternative Relief from the Automatic Stay to be mailed to U.S. Trustee, 615 E. Houston St., Ste. 533, San Antonio, TX 78205-1539; to J.A.R. Concrete, Inc., 8000 Escobar, El Paso, TX 79907; to US Fire Insurance Company, c/o Gregory M. Weinstein, 8350 N. Central Expressway, Ste. 1550, Dallas, TX 75206; and to Mitsubishi HC Capital America, Inc., c/o Megan M. Adeyemo, 2200 Ross Avenue, Suite 3700, Dallas TX, 75201.

/s/ 
E.P. BUD KIRK

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